UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/52/502
17 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Human rights situation in Kosovo

Report of the Secretary-General

I. INTRODUCTION

1. At its fifty-first session, on 12 December 1996, the General Assembly adopted resolution 51/111, entitled "Situation of human rights in Kosovo", by which the Assembly took note of the reports of the Special Rapporteur of the Commission on Human Rights on the situation in the territory of the former Yugoslavia,[1] which describe the continuing grave human rights situation in Kosovo, including police brutality, lack of fair trial procedures for political detainees, killings resulting from such violence, arbitrary searches and arrests, torture and ill-treatment of detainees, the deliberate maltreatment, persecution and imprisonment of political and human rights activists, the mass dismissals of civil servants and discrimination against pupils and teachers, acts that are mainly perpetrated against ethnic Albanians.

2. The General Assembly expressed appreciation for the efforts made by the international community to monitor the human rights situation in that area, but at the same time, based on the reports, expressed regret that the establishment of an adequate international monitoring presence had not yet been achieved; demanded, inter alia, that the authorities of Yugoslavia take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, and release all political prisoners and cease the persecution of political leaders and members of local human rights organizations; and urged the authorities to allow the immediate and unconditional return of the mission of long duration of the Organization for Security and Cooperation in Europe (OSCE) to Kosovo, as called for in Security Council resolution 855 (1993) of 9 August 1993.

3. Furthermore, the Assembly requested the Secretary-General to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and other relevant organizations, to establish an adequate international monitoring presence in Kosovo and to report to it at its fifty-second session.

4. At its fifty-third session, the Commission on Human Rights adopted resolution 1997/57 of 15 April 1997, by which it reiterated the requests made by the General Assembly and, in section VII, called upon the Government of Yugoslavia, inter alia, to take immediate action, in view of the deteriorating situation in Kosovo and the danger of escalating violence there, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention, unfair trials, unjustified evictions and dismissals; to release all political detainees, allow the return in safety and dignity of ethnic Albanian refugees to Kosovo and respect fully all human rights and fundamental freedoms, including freedom of the press, freedom of movement and freedom from discrimination in the field of education and information; and to allow the establishment of democratic institutions in Kosovo and the right to seek, receive and impart information and ideas through any media, and in particular to improve the situation of Albanian women and children, and to allow an international presence for monitoring of the human rights situation.

II. ACCESS BY UNITED NATIONS HUMAN RIGHTS MISSIONS

5. Initially, the Government of Yugoslavia declined repeated requests and recommendations from the United Nations High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights for the establishment of a United Nations human rights field presence on its territory. On 23 February 1996, the Government notified the Special Rapporteur of the Commission on Human Rights, Mrs. Elisabeth Rehn, that it had approved the establishment of an office of the then Office of the High Commissioner/Centre for Human Rights at Belgrade. The Government stated that:

> "In an effort to promote cooperation with you and the Centre for Human Rights, the Federal Republic of Yugoslavia is pleased to respond positively and accept your request that an office be opened in Belgrade that would be staffed with the persons of your choice and would assist you in establishing the truth about the human rights situation in the Federal Republic of Yugoslavia."

6. On 15 March 1996, the then Office of the High Commissioner/Centre for Human Rights officially opened its office at Belgrade. Initially, the Government agreed to permit one international human rights professional to staff the office. At the request of the United Nations High Commissioner for Human Rights, the Government in September 1996 authorized the assignment to Belgrade of a second international human rights officer. The staff of the human rights office in Belgrade frequently visits Kosovo for the purpose of gathering information for the use of the Special Rapporteur. Recently one staff member attended two trials of Kosovo Albanians charged with offences against Yugoslavia. A periodic report of the Special Rapporteur to the Commission on

Human Rights[2] documents that procedures at the trials fell short of recognized international norms for fair trials, in conformity with the International Covenant on Civil and Political Rights and the Convention against Torture, which Yugoslavia is bound to uphold.

7. From her appointment in September 1995 to September 1997, in compliance with a request from the General Assembly and the Commission on Human Rights, the Special Rapporteur visited Yugoslavia nine times and travelled to the area of Kosovo on six occasions. She has been assisted in her missions by the staff of the Office of the High Commissioner in Belgrade.

8. The Special Rapporteur has also regularly visited other areas of Yugoslavia since her appointment, including the regions of Vojvodina and the Sandžak. She has met with the President of Serbia, the Minister for Foreign Affairs, the Federal Minister for Freedoms of the Citizen and National Minority Rights, the Minister of the Interior of Serbia and other senior officials, as well as representatives of non-governmental human rights organizations and other persons concerned with human rights issues. In her report to the Commission on Human Rights of 29 January 1997,[3] the Special Rapporteur stated that she continued to receive generally good cooperation from all Governments covered by her mandate Cooperation had also been good with international organizations and international and local non-governmental organizations active in the region of the former Yugoslavia as a whole. Neither the Special Rapporteur nor the staff of the Office of the High Commissioner has noted any significant problems during the last year moving throughout the country to gather human rights information. Despite repeated requests, however, the Government has refused to allow the High Commissioner to open an office in Prishtina. Thus, although the Office of the High Commissioner has unimpeded access to the region, its inability to establish a permanent presence in the area continues to hamper monitoring activities.

9. The Special Rapporteur remains concerned over the human rights situation in Kosovo. Since the previous report of the Secretary-General of 25 October 1996 (A/51/556), the Special Rapporteur has continued to receive reports of widespread human rights violations. These are described in the report of the Special Rapporteur that will be submitted to the General Assembly at its fifty-second session.

III. ACCESS BY THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

10. On 14 August 1992, by a decision of its Committee of Senior Officials, the then-Conference on Security and Cooperation in Europe (CSCE) established a mission of long duration, which had as its tasks (a) to promote dialogues between authorities concerned and representatives of the communities in three regions (Kosovo, the Sandžak and Vojvodina); (b) to collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems; (c) to establish contact points for solving problems that might be identified; and (d) to assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.

11. The mission maintained its presence in Kosovo for 10 months. It carried out its mandate with the formal consent and support of the authorities of Yugoslavia, in accordance with a memorandum of understanding signed on 28 October 1992.

12. Following the elections in Yugoslavia in December 1992 and its exclusion from CSCE membership, the Government withdrew its formal consent for the mandate. The mission therefore departed in July 1993.

13. Despite repeated requests by CSCE/Organization for Security and Cooperation in Europe (OSCE) and the General Assembly to reinstate the monitoring mission, Yugoslavia has consistently denied OSCE access to the region for general monitoring purposes. It should be noted, however, that Yugoslavia did grant OSCE permission to send an electoral observer mission to monitor presidential and parliamentary elections in Serbia, which took place on 21 September 1997.

IV. CONCLUSIONS AND RECOMMENDATIONS

14. In view of the continuing widespread violations of human rights in Kosovo as reported by the Special Rapporteur, the opening of an office of the High Commissioner in Prishtina, as well as an increased presence of other international organizations, would be indispensable for gathering reliable information on future human rights developments.

Notes

[1] E/CN.4/1996/63, E/CN.4/1997/8 and E/CN.4/1997/9.

[2] E/CN.4/1997/9.

[3] E/CN.4/1997/56.